



**CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY**

BRIEFING: MAY 2010 EXECUTIVE/ADMINISTRATIVE COMMITTEE - Agenda Item #6

TO: Committee Chairman Pringle and Committee Members Florez and Kopp

FROM: Carrie Pourvahidi, Executive Director

DATE: 04/29/10

RE: Burlington Northern Santa Fe Memorandum of Understanding

Description/Background

Authority staff and legal counsel met with representatives and legal counsel of the Burlington Northern Santa Fe Railroad (BNSF) on April 12, 2010, to discuss entering into a "Preliminary Memorandum of Understanding and Engineering Agreement." The proposed agreement would have two basic parts.

The first part of the agreement would provide for access for the Authority to BNSF's right of way for planning purposes. It would also provide for assistance by BNSF in the following areas: comments to the Authority concerning mitigation that may be necessary so as to avoid adverse impacts on BNSF's current and future freight operations and on Amtrak/Caltrans service. In addition, the agreement would call for BNSF's review of design drawings and assistance in designing track, signal and station improvements, assistance with regard to highway or other crossings of the right of way, assistance with development of a construction phasing theory, and other matters. The Authority would agree to reimburse BNSF for its costs for providing the services called for in the agreement. BNSF would do the work with its own in-house staff or would hire consultants to do the work. The Authority would review and agree to the scope of any such work.

The second part of the agreement is a non-binding agreement that sets forth principles to govern future discussions and negotiations concerning operation of high-speed rail service vis-à-vis freight operations, compensation for property interests conveyed by BNSF to the Authority, and liability issues.

During our discussions with BNSF on April 12th, it was agreed that several provisions should be revised. BNSF's legal counsel will be proposing the language for such revisions. Authority staff is awaiting that language and will be returning to the Committee and full board with the draft MOU for board review, comment and approval.